

Case# 17cr417 17cr417

Honorable Judge Hellerstein.

Koussari's case is before the Country Appeals. His grievance can be brought before the Country Appeal or, possibly later, before me by a petition under 28 U.S.C. 2255. After point, I deny this motion.

Almost a year after I lost trial, I came across an inmate at MCC, who also happened to have lost trial. Through him, I came to know that I have a constitutional right to face my accuser. At then I discovered that during my trial the prosecutor deliberately, with the help of conspirator, blinded me from having the names of my accusers by redacting their name in the 3500 material. That violated the Confrontation Clause of the Sixth Amendment. The names of some accusers and some statements and files were totally redacted. Those redacted material may carry exculpatory evidences and are of great significance since such material were the earliest files in my case dated back to 2013. The government lawyers, since your honor issued the order to have the 3500 martial read to me over the phone, which was inapplicable, had given me the material missing the most important files at first and then the statements were not redacted before trial became redacted after trial. Then later on to receive the missing files. The AUSA were buying themselves time. Then I asked my appeal attorney to ask the AUSA to unredact the names and statements, the AUSA responded that they will reply back to him in a week (that was in October 2020) then to be informed by the attorney that such unredaction is a district court issue. At then I wrote to your honor to appoint me an attorney. The AUSA in SDNY insist on violating my right by misleading, undisclosed important discovery, broken promises and spinning me around to buy themselves time. The government had felt in abyss, they dug, called judicial estoppels. Didn't the government state in my suppression hearing that the prosecution was solely based on the defendant's statement even though that they've promised him confidentiality (the Lebanese confidentiality is so absurd); they also expressed safety-fears for the defendant and his family in a motion to the Majesty Judge in June 2017, to keep the complaint sealed. The issue on hand is that they released some names and redacted others, for what reasons? Can they argue that they promised my accusers, with redacted names, confidentiality (absurd or general) or they want to argue their safety issue? that would be pure hypocrisy and cynicism. Judicial estoppel doctrine is established if later position is clearly inconsistent with earlier position, acceptance of later position would show that either first or later court was mislead and the party, which is the government in this case, asserting the inconsistent position would impose an unfair detriment on the other party if not stopped. Then why would the government redact such materials, they know that should not be redacted or can be un-redacted later on.

Agent Castello lied to the court and me two times under oath, on the stand, under the judge right hand and one time in 302 report, about the involvement of the State Department in my interrogation in the U.S embassy in Beirut. (Although I call agent Castello a liar, whatever agency he works for has my full respect for applying the law and protecting their citizens). After the suppressing hearing, I asked Mr. Schacht to subpoena the S.D (I don't know if he informed the court of that), based on agent Castello statements to the court, to see if they have anything to do with my case, the basket came back empty with nothing important. No wonder, since later on during my trial, his supervisor, Agent Batista declared that it was a CIA agent who interrogated me. In addition he admitted, for the first time, for the involvement of the CIA in my questioning in 2016 in New York and Chicago. Defiantly the CIA has discovery in this case, for a true fact a recording of the interrogation from the Beirut Embassy, which I received none.

Your honor, may ask why now? First, since before my sentence, I've been asking for an attorney to represent me. Second, the prosecutor ways became more corrupted and misleading every time they got cornered in a mischievous action. As I have on hand now the issue of the undisclosed discovery, redacted and "buried" material. The AUSA office have conspired with others to sabotage my defense mechanisms. They act as if they are above the law, they got away with broken promises and their misleading to the court and me, without being subjected to any kind of retribution or remedy because of such errors. They don't feel that they are obligated to disclose my discovery, its their norm to violate my constitutional rights. Is it a political request to secure a conviction by any means? Is the involvement of the CIA and the nature of my case make the AUSA untouchable and free not to disclose my full discovery, to keep up to their promises to me or even condemn a federal agent committing perjury on the stand? Do I even have constitutional rights, in their eyes? It's obvious now that the CIA was involved in the earliest stage of this case and keep playing major role in the rest of the process. I don't have any discovery form the CIA or had the chance to cross-examine their agents or witnesses. In the summer of 2020, the AUSA in SDNY entered an order of Noelle-Prisque in the case of US Vs. Ali Sadr Nejad because of the government intentional failure to disclose discovery and misstatements to the court. During Mr. Nejad trial, one prosecutor suggested to another that they "bury" the evidence along with others! I'm sure the AUSA went way further than that in their mischievous actions in my case.

Your honor, in your decision dated April 26, 2020, you stated according to the 9 & 11 circuits, that generalized promises of confidentiality can render a defendant's statement involuntary citing Valenzuela Vs. US 286. F3.d 1223, 1230 (11 Cir. 2002), in which the Judge suppressed the defendant's statement to a DEA agent who had promised confidentiality. Why you cited that case and never applied it as a remedy to the government broken promise?

Your honor, may ask why now? First, since before my sentence, I've been asking for an attorney to represent me. Second, the prosecutor ways became more corrupted and misleading every time they got cornered in a mischievous action.

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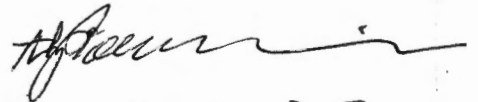
ment involuntary.

because first, they didn't keep up their promises to me. Then they said all the
They went as far as to conspire with others, to secure a conviction by any means.
ocess in this case by finding remedies for its misdeed and broken promises. They
titutional law should be the only power applied to my case and justice as the only

ney where I can discuss with him every thing I have against the AUSA in this case.
even if it means to face the highest power in the government. The AUSA have a
firmative statements contrary to the discovery they have on hand or what it knows
weeping misdeeds and errors under the rug doesn't work because the enormous
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12-8-2020

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Judge wrote:

“Kourani’s case is before the Court of Appeals. His grievance can be brought before the Court of Appeals or, possibly later, before me by a petition under 28 U.S.C. 2255. At this point, I deny his motion.

12/15/20

Alvin K. Hellerstein”